

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

CHRISTINA SHAWNE

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Case No. 4:06cr2
(Judge Brown)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on July 20, 2006 to determine whether the Defendant violated her supervised release. The Defendant was represented by John Key. The Government was represented by Steven Buys.

On November 7, 2002, the Defendant was sentenced by the Honorable Mary L. Cooper of the District of New Jersey to 5 years probation. On December 22, 2002, jurisdiction was transferred to the Eastern District of Virginia. On January 23, 2004, Defendant's probation was revoked and she was sentenced to 30 days imprisonment followed by 36 months of supervised release. On February 7, 2004, Defendant completed her term of imprisonment and began her supervised term. The case was transferred to the Eastern District of Texas on December 29, 2005.

On June 30, 2006, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that the Defendant violated the following conditions: (1) Defendant shall not commit another federal, state, or local crime; and (2) Defendant shall notify the probation officer within 72

hours of being arrested or questioned by law enforcement.

The petition alleges that the Defendant committed the following acts: (1) On May 15, 2006, Defendant pled guilty in the 362nd Judicial District of Denton County, Texas to Theft of Property Having Value Greater than \$1,500.00 but less than \$20,000.00; (2) On May 15, 2006, Defendant was arrested by the Keller Police Department for Theft related to \$19268.50 of fraudulently obtained merchandise from Dell Financial Services and Dell Computers; and (3) Defendant failed to notify the U.S. Probation Office regarding her contact with Denton County Criminal District Attorney Chief Investigator Dennis Cox on or about October 12, 2005 and October 26, 2005.

Prior to the Government putting on its case, the Defendant entered a plea of true to the first and third alleged violations. The Government agreed not to proceed on the second alleged violation. At the hearing, the Court recommended that the Defendant's supervised release be revoked.

RECOMMENDATION

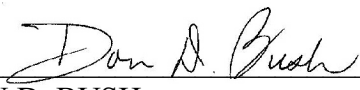
The Court recommends that the District Court revoke the Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months, to be served consecutively to any other sentence, with no supervised release to follow.

Within ten (10) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the

magistrate judge. 28 U.S.C.A. § 636(b)(1)(C).

Failure to file written objections to the proposed findings and recommendations contained in this report within ten days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings and recommendations and from appellate review of factual findings accepted or adopted by the district court except on grounds of plain error or manifest injustice. *Thomas v. Arn*, 474 U.S. 140, 148 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).

SIGNED this 21st day of July, 2006.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE